



HRLN JHARKHAND STATE LEVEL MEETING ON
SITUATION OF MIGRANT LABOUR AND ATMANIRBHAR
COAL

Date: 29th JUNE, 2020

Time: 2:00 PM TO 5:00 PM

Venue: ONLINE THROUGH VIDEO CONFERENCING

Organized by,



PARTICIPANTS-

- Mrinalini Tete, Advocate, HRLN (Moderator)
- Raju Hembrom, Advocate, HRLN (Moderator)
- Anup Agarwal, Advocate, HRLN (Moderator)
- Kishore Narayan, Advocate, HRLN
- Gunjan Singh, Advocate, HRLN
- Sonal Tiwari, Advocate, HRLN
- Rajni Soren, Advocate Chhattisgarh High Court, Raipur
- Gayatri Singh, Senior Advocate, High Court of Bombay
- Rajan Kumar Singh, Social Activist, Ranchi
- Madan, Social Activist, Ghatsila
- Afzal Anis, Social Activist
- Gayatri Singh, Senior Advocate, High Court of Bombay
- James Herenz, Convenor, NAREGA Watch
- Shridhar Ramamurthy
- Students
- Migrant laborers

AGENDA OF THE MEETING-

<u>Time</u>	<u>Topic</u>	<u>Speaker</u>
2:00 to 2:05	Introduction to the Meeting	Sonal/Mrinalini
2:05 to 2:15	SC intervention on migrant labour	Colin Gonsalves, Senior Advocate, Supreme Court of India
2:15 to 2:25	Issues during transition	Rajni Soren, Advocate Chhattisgarh High Court, Raipur
2:25- 3:00	Situation of Migrant labour in Jharkhand	<ul style="list-style-type: none"> • Rajan Kumar Singh, Social Activist, Ranchi Madan, Social Activist, Ghatsila • Afzal Anis, Social Activist
3:00-3:20	Labour law issues and challenges	<ul style="list-style-type: none"> • Gayatri Singh, Senior Advocate, High Court of Bombay • Gunjan Singh, Advocate Supreme court
3:40 to 4:00	opportunity for Migrant	James Herenz, Convenor,

	Labour	NAREGA Watch
4:00 to 4:30	AtmaNirbhar Coal	Shridhar Ramamurthy and Sonal
4:30 to 5:00	Possible Socio Legal Intervention/Plan of Action	Anup & Sonal
5:00	Vote of thanks	Raju

AIM AND OBJECTIVE-

To connect people and discuss about the miserable condition of migrant workers during covid-19, their problems and issues in COVID-19, cases filed in Supreme Court and the matter in hand as the need of the hour. To find relevant solution to all the problems faced by the workers at ground level. To discuss about the illegal coal mining, coal mafias and the exploitation of the natural resources.

Sonal Tiwari, Advocate, HRLN (Moderator)-

He started the session by introducing about the role of Jharkhand HRLN and its terrific work. HRLN is a group of 21 lawyers, 4 activists who work in different cities as well. They provide legal support to all needy and have great work in

Matter of lynching, environment, mining, transgender rights, right to food, dead body management guidelines and many more.

Gunjan Singh, Advocate, HRLN (speaker)-

He started by Stating it clearly that he wants to talk about two topics the first one being migrant labor and other one being Atmanibhar coal and how the migrant work crisis and labor laws can be understood. He mentioned a Supreme Court case and showed concern on the issue that how ground based implementation is difficult and how hard it is to receive state affidavits. He did a webinar with migrant laborers and for the improvement of the current scenario he stated that Jharkhand has robust network of civil societies. and they can collect the data from each organization and come up with a collective conclusion and what do they need to do next. Whatever is required like filing more petitions, etc. he said that at first court was unwilling to give direction to the central government, and the solicitor general of India said that we do not need to interfere in the matter and dismissed cases. There were even petitions in which he clearly mentioned that even if transportation is provided, the migrant workers are not getting any other benefits but Supreme Court dismissed all petitions. On 25 may, a senior advocate wrote a letter with sharp words to Supreme Court, then the matter was heard and there was suo moto cognizance of the case. The Supreme Court disappointed many people regarding the migrant worker issue. On 28 may, Sc cleared that migrant laborers will get free of cost transportation and the state government will take care of it. The major problem raised was that trains were running but migrant laborers were unaware of routes, registrations, and ticket system. On 5 June, it was stated that the Supreme Court order only thinks of migrant labor with transportation concerns

and they demanded number of trains should increase, there is crisis at their home as well so migrant laborers should get 7k per month for 3 month and those who died should get 1 crore compensation. Supreme Court ordered that that migrant laborer on whom cases were going on should be considered void. There should be preparation of data about skilled and unskilled workers. There were no record before lockdown but the rough figure was of 11-12 crore people. He mentioned that this skill mapping can be beneficial for the migrant labours and they should be made aware of various schemes. According to the speaker, the need of the hour is data about the accurate situation of the migrant laborers. How rations are stored in huge pile and migrant workers have no access to food. And the ration card should not be mandatory criteria and they are planning to prepare a status report regarding the condition of migrant laborers regarding needs to be done and current scenario.

Sonal Tiwari, Advocate, HRLN (Moderator) - He appreciated his words and concerns and showed interest in collection of data of the migrant laborers.

DAVID SANTAL (Participant)-

The speaker talked about the reality of under trail prisoners in Jharkhand and how it took 6 months of hard work to come to shocking revelations, that out of 100 prisoners only 3 of them had relation with Maoist and they were languishing in the jail. After consultation he filed PIL in January 2020 about their miserable condition, The high court did admit the petition and stated that we need to know each prisoners and handed over the matter to advocate general but they did not get any records from them till 2020. Instead he got two false cases against him. His case on under trial prisoners came to a standstill. He is accused in two serious

False cases and he firmly mentioned that he would still try to reach the under trial, and he might become a under trial prisoner himself. He ended by saying that we can take cases in 1000s in the matter of dalits, and under trail prisoner and also asked HRLN to take action and reflect upon it.

Sonal Tiwari, Advocate, HRLN (Moderator) - He supported his words and said that this is the current situation and we need to state a movement against it.

Rajni Soren, Advocate Chhattisgarh High Court, Raipur (speaker)

She started off by greeting everyone and mentioned about various and how she collaborated with father Stan on various andolans. She talked about the present condition and how this condition of migrant labors highlights the present economic situation of country and she had worked for years in the case of trafficking and stated that people who died during migration are mostly are dalit and adivasis. She gave two probable reasons for migrant workers leaving their home town are that they don't have land rights and second one is the unsustainable condition in rural areas. The migrant workers suddenly got in this crisis it's like they woke up and realized that no arrangement were made for them .The portability of welfare schemes, healthcare schemes, and all other schemes were put into question. The migrant workers go to cities to work and their children tend to become migrant worker as well because of lack of land. For the solution she said that there is urgent need for the improvisation of economic model and there should be respectable, sustainable and proper salaries and access to various scheme for the migrant workers. Buses should be available for migrant laborers

She also mentioned that NHRC is taking notice and we should ask for accountability for each death. She blamed the government for bringing covid-19 in the rural areas by starting the lockdown.

Mrinalini Tete, Advocate, HRLN (Moderator) –

She appreciated Rajni's word and affirmed on how the government paid no heed to the problems of migrant labors before and is only focused on boosting economy now.

Gunjan Singh, Advocate, HRLN (speaker) - He interrupted and asked that there is no need to do a discussion on problem but the focus should be to find solution and each one of us should raise their issue and how we can go about it and implement it and what should be our next intervention on the matter to which, Mrilani agreed.

Afzal Anis, Social Activist (speaker)-

The speaker apologized for joining in the meeting late and started by strongly opposing lockdown and the way to implement it. He said that covid -19 did not kill as many people as the government arrangement have done till now and hrln should file petitions on the matter. The migrant workers in different states were scared of corona and had to recklessly take decision and move. He took a moment to appreciate the work of his co-workers. He later on talked about the problem of quarantine centre and how someone called him and told him that the condition of this center is miserable and they might commit suicide if the speaker doesn't come. The raised the major question of what now? After coming

Back, government said that they will provide job in MNREGA but only one unit is providing job instead of 18. If they do not get job what they will do. There is no health care service, there is lack of proper facilities, and he also mentioned that the rumored panic of Muslims was not appreciable at all. Migrant laborers have sent the aadhar card and data to him from Maharashtra he was curious to know about how to go it and Mr. Gunjan Singh sir suggested him to forward it to Maharashtra hrln. The speaker ended by saying that we need to talk to the migrant laborers face to face to understand their problem.

Sonal Tiwari, Advocate, HRLN (Moderator) - mentioned that it is very important to talk to labors and appreciated him for his words.

Rajan Kumar Singh, Social Activist, Ranchi (Speaker)

The speaker started by appreciating Gunjan Singh for his solution oriented guidelines and suggested that there have been major focus on inter- state migrant laborers but in Jharkhand there is inter district migrants coming from Lohardaga, khunti, chaibasa.etc.to Ranchi. The speaker showed concern about How to provide ration card to those who do not have it with the, right to food and how to act according to it about 99 % people have got ration cards till 2011 census. But in 10 years the population has increased. Whosoever demand ration should get ration without card, Jharkhand has highest poverty index, maximum malnourished children and women and most number of hunger death, and 40-45 lakh people have no ration card in Jharkhand. He also talked about How to provide compensation to migrant labors and registered workers and how the inter state

Migrant labors can registered with proper labor department and Jharkhand migrant labor can register in other states as well. There are many factors and reasons that data should not only be the government but with the civil societies as well. The employability, according to Supreme Court guidelines, are not highlighted by the media and all the supreme cases and affidavit filed by central government and state government to check and face the reality. He took few minutes to talk about the Aayushmann card registration, in context of Jharkhand where the raj hospital, has the liberty to treat neuro problem in all cases but not under ayushman insurance scheme, Medica hospital has similar condition to be selective in terms of which illness can be treated and which cannot. The speaker ended by saying that the covid-19 situation is getting worse and the matter of employability should be taken seriously.

Rajan singh and gunjan singh had a discussion regarding aayushman card, Supreme Court cases, registration of migrant laborers and the money that should be provided to construction workers.

Mrinalini Tete, Advocate, HRLN (Moderator) –

She said that Ranchi HRLN would love to work together on the matter of aayushman card. Many people have tried to save humanity working on this. What can we do is to pressurize the government to implement the policy and take legal help through court.

Madan, Social Activist, Ghatsila(speaker)

The speaker addressed the economic condition and migrant labors miseries and how they would not be ready to go back to get work and how can we provide more employment through agriculture, and start new ways of getting employed, they say that farming is not possible in Jharkhand which according to him is myth and there is Birsa Agricultural university which has large number of vacancy and students are doing PhD in different states and we can provide more number of employment in the case of agriculture. Jharkhand has large resources of manganese, mica and coal etc. But the people of Jharkhand are not benefited from it and there is no law to check the black marketing of these resources. He ended by saying that Gram sabha needs to be strong and we need to reach rajya sabha. We have seen that MNREGA policy is helping the labors but not everyone is benefitted and Labors do have the right to live with dignity.

Sonal Tiwari, Advocate, HRLN (Moderator)- said they will look forward to file PILS in the matter.

James Herenz, Convenor, NAREGA Watch(Speaker)-

He started by greeting everyone and how he does not want to repeat himself by discussing the problem of migrant labors and MNREGA issues will be half of the matter. The condition of the laborers before lockdown was miserable and now it is still the same and if we talk about the current scenario- the media and government concern for the Migrant labor is reducing day by day as they believe everyone reached home. The migrant laborers are not aware of the policies, budgets and schemes and they problem is increasing and in the month of may they

kept social audit unit and according to the report about 45% of the people have got less grains and Aganwadi and school did not implement the schemes by Rajya khad Aayog, and according to him about 1000 people were interviewed for the report. The government started offline application which was not implemented and there should be a particular time slot and one can book only one slot with one phone number. They deny their work blaming the government that they have not been provided permission yet. Today the laborers need to go through application process which many do not have access to and officers are irritated with increased work and they send the laborers to other villages to avoid work. The disabled are facing a lot of problem regarding employment. There are people employed at 2-3 post and there are a lot of vacancies. The migrant labor are calling and saying that they are asking money from them and not helping them in application. The complaint redressal system is not there which should be the major focus of the government. If there was a MNREGA lokpal there would have been a pressure on the officers, as Afsal Anis said that there are many places where people are not getting job in NREGA and we need to file petitions on it. As rajan said we should keep the data in public domain. So that the civil societies can work towards it. He ended by saying that there should be a database of migrant laborers going back to their work. We need to file PIL for earth cutting/ scavenging work and that the government has given guidelines regarding the work about earth cutting/scavenging.

Anup Agarwal, Advocate, HRLN (Moderator) said that we will try to file the PIL within 2 weeks regarding the matter.

Gita mandal (SPEAKER)-

She started by mentioning that after the lockdown we realized the state in which the labors of Jharkhand are there in the entire country and how they have been tortured in different states and by the employers. How she along with others have helped them and how the children of migrant labors are affected and most probably tend to become a migrant laborer. In the country level, they are changing the labor laws to make them suffer and boost economy. There are many issues which are not shown by the media and many are still stuck at their workplace. The government is not able to feed the migrant laborers, the small business owners are not able to get jobs and MNREGA gives very less pay for their work which is random and after their registration migrant labors are given spree, clothes and material. Instead they should be provided with money and not material. The labors should get cash in hand and the demand we were making by creating union in India, they are denying that right as well. The country is made of farmers, labors who are suffering and not the policy makers. Nobody went to give the migrant labors soap, mask, and sanitizer. No medical team reaches to help them. No facilities are there in quarantine centre, the life of laborers is in complete uncertainty and the survey should be from door to door and village and village. There are no farmers left all are turning into migrant labors. The speaker ended by saying that the helm should take necessary and immediate steps.

Gunjan singh advocate HRLN mentioned that we will need the help of the trade union leaders to work on the ground level and provide accurate data. There should be consultation of trade union leaders before starting any litigation and the fund should be provided in the corona pandemic to the labors.

NEXT SESSION ON ATMANIBHAR CASE-**SHRIDHAR RAMAMURTHY (SPEAKER)-**

The speaker started by saying that many people got job for 5-10 days and very few got jobs for 100 days in the MNREGA scheme. The data can be helpful in looking into the matter why people are not getting 100 days of work. The soil workers and earth cutters wale are not getting jobs. Coal mining auction was organized and the bid will happen in august which are going to happen for the 11th time from the time when Supreme Court dismissed 214 coal mines. The government said that 25% of the production can be sold outside and 100% of FDI of coal can be brought from outside. Some policymaker want that they should get access to all other resources along with the coal resources. The government is openly mentioning about them and asking for suggestion and feedback. Even though many people wrote to them about the matter they are not replying. There is no grievance redressal system and there are many virtual rallies regarding the matter. Today 40k megawatt electricity factories are there but policymakers are not using them and the country is losing millions of money. They have made the policies so complicated for the general public to understand that it's very difficult for the coal to be 'atmanirbhar'

QUESTION AND ANSWER SESSION-

Suchitra Jha asked about why sand filling after earth cutting is not don't properly to which Sreedhar answered that there is fire in Jharia district and the mafias aren't putting sand in the places and hollow surfaces are breaking down.

They are looking for some foreign company which will come and add sand and do a coal mining on a large level. Rajan singh asked about the consent in the matter of coal mining and coal bearing acquisition act and why they cannot fight for compensation till the mining will continue. He also mentioned that the land acquisition act was tried to be diluted and there are very unjust clauses in these acts which are subject to litigation. Gunjan singh answered that They have filed cases on the project of getting coal from Australia and giving it to Bangladesh and they have filed a case on land acquisition act and the matter is pending in the high court .Sonal Tiwari appreciated their words and mentioned that Jharkhand government is asking for 6-7 month before coming to decision and they need to involve localities.

Madan asked about what is the situation of Supreme Court judgment and Sreedhar answered that there might be just a show off from the Jharkhand high court making it very weak case and then mentioning about it that they tried. Suchitra jha raised queries regarding juvenile jail in Jharkhand, Taramini raised queries regarding job cards, Arsreeta Kashyap raised question regarding women returning migrants and relevant data. Then, at last Sonal Tiwari asked the migrant laborers if they want to share any of their experiences.

Vote of thanks was given by Raju Hembrom.





